

**To:** Ex. 6 - Personal Privacy  
**From:** Swenson, Peter  
**Sent:** Fri 7/7/2017 1:46:02 PM  
**Subject:** FW: Your email message regarding the Back Forty Project

Thank you for your reply message. I am providing some links to information you might find helpful.

-

-

Clean Water Act 404 program: <https://www.epa.gov/cwa-404/section-404-permit-program> In Michigan, the State (Michigan Department of Environmental Quality - MDEQ) rather than the U.S. Army Corps of Engineers is responsible for issuing CWA 404 permits.

Clean Water Act Section 402 program: <https://www.epa.gov/cwa-404/clean-water-act-section-402-national-pollutant-discharge-elimination-system> In Michigan the MDEQ rather than EPA, issues CWA 402 permits.

Clean Air Act: <https://www.epa.gov/caa-permitting/clean-air-act-permitting-michigan> MDEQ is the permitting authority for this air pollution control permitting action

Michigan Part 632 mining permit program:  
[http://www.michigan.gov/deq/0,4561,7-135-3311\\_18442---,00.html](http://www.michigan.gov/deq/0,4561,7-135-3311_18442---,00.html) As mentioned, this a state-only permitting program.

Thank you again for your interest.

Peter Swenson

**From:** Ex. 6 - Personal Privacy  
**Sent:** Thursday, July 06, 2017 5:59 PM  
**To:** Swenson, Peter <[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)>  
**Subject:** Re: Your email message regarding the Back Forty Project

you must leave these wetlands ALONE the EPA is to be clipped out of existence by that ass trump I do not know when but I have no idea what all these permits and dates mean I can see that since trump things were permitted this is disturbing I am wondering what each law means and why these lands are being allowed to be ruined for the wildlife that if not protected will accelerate the planet's eco demise Where do I get copies of each Act and law that were presented in this letter ? HOW DOES THE EPA GAG EFFECT YOUR RESPONSES? IS IT PERMANENT? HOW LONG WILL YOU BE THERE FOR US? AMERICA NEEDS A STRONG DEFENSE FROM CORPORATE GREED AND GENOCIDE PLANS! FOR GOD'S SAKE HELP YOUR COUNTRY!

On Thu, Jul 6, 2017 at 10:36 AM, Swenson, Peter <[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)> wrote:

Thank you for your recent email message expressing concerns about the proposed Aquila Resources Inc. Back Forty Project in Menominee County, Michigan.

As currently proposed, the Back Forty Project requires a number of permits, including permits required by federal statute. The State of Michigan has the authority and responsibility to review permit applications and issue these permits. In its oversight role, EPA reviews the State's permits to ensure their consistency with federal statutes. EPA has engaged with the Michigan Department of Environmental Quality (MDEQ) on each of the following permits required by federal law:

Clean Air Act Permit: During the public comment period, EPA stated its concerns with some of the draft air construction permit conditions. As part of its permitting process, MDEQ provided a response to comments document addressing EPA's comments and all comments received during the public comment period at time of final air construction permit issuance. MDEQ revised certain permit conditions to address EPA's concerns.

Clean Water Act Section 402 Permit (wastewater discharge permit): EPA provided comments on the draft permit during the public comment period. MDEQ provided a revised permit and the State's responses to comments. EPA provided additional comments to MDEQ on the revised permit. EPA's comments were focused primarily on toxicity testing and ambient monitoring requirements. EPA's comments were accepted by MDEQ and incorporated into the permit before it was issued on April 5, 2017.

Clean Water Act Section 404 Permit (wetlands permit): In August 2016, EPA objected to MDEQ issuing a 'Wetlands and Inland Lakes and Streams Permit.' Aquila Resources Inc. subsequently withdrew its MDEQ permit application. In January 2017, Aquila Resources Inc. re-applied to MDEQ. After MDEQ completes review of the application for completeness, MDEQ will issue a public notice, at which time, the public, tribes, and EPA will have an opportunity to provide comments. EPA will provide a thorough review of the revised permit application at that time. The past wetland application materials are located at [miwaters.com](http://miwaters.com), and the wetlands public notice will be posted there once it is issued.

Michigan also maintains state authority to issue mining permits under Part 632 of its Natural Resources and Environmental Protection Act. EPA does not have authority to oversee the State's Part 632 permits. If you have formal comments you wish to make, we recommend you submit them to the MDEQ within the relevant comment period.

EPA is committed to ensuring that permits issued by MDEQ for the Back Forty Project comply with applicable federal environmental protection laws.

Thank you for your interest in this matter.

Peter Swenson

Chief, Watersheds and Wetlands Branch

U.S. Environmental Protection Agency, Region 5